

ANNE GOODWIN CRUMP\*  
VINCENT J. CURTIS, JR.  
THOMAS J. DOUGHERTY, JR.  
JAMES G. ENNIS  
PAUL J. FELDMAN\*  
RICHARD HILDRETH  
EDWARD W. HUMMERS, JR.  
FRANK R. JAZZO  
BARRY LAMBERGMAN  
PATRICIA A. MAHONEY  
M. VERONICA PASTOR\*  
GEORGE PETRUTSAS  
LEONARD R. RAISH  
JAMES P. RILEY  
MARVIN ROSENBERG  
LONNA M. THOMPSON  
KATHLEEN VICTORY\*  
HOWARD M. WEISS

\*NOT ADMITTED IN VIRGINIA

ORIGINAL  
FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400

TELECOPIER

(703) 812-0486

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PAUL D.P. SPEARMAN  
(1936-1982)  
FRANK ROBERSON  
(1936-1981)

RETIRED  
RUSSELL ROWELL  
EDWARD F. KENEHAN  
ROBERT L. HEALD  
FRANK U. FLETCHER

OF COUNSEL  
EDWARD A. CAINE\*

SPECIAL COUNSEL  
CHARLES H. KENNEDY\*

WRITER'S NUMBER  
(703) 812-

0473

April 26, 1994

BY HAND DELIVERY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

Re: Gulf Communications Partnership  
MM Docket 93-136  
RM-8161

Transmitted herewith on behalf of Gulf Communications Partnership, permittee of Station WAAD(FM), Tice, Florida, are an original and four copies of its Motion for Leave to File Comments and Comments in the above-captioned rule making proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,

*Kathleen Victory*  
Kathleen Victory  
Counsel for  
Gulf Communications Partnership

KV/bi  
Enclosure

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APR 26 1994

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket 93-136  
 ) RM-8161  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Key Largo, Key Colony Beach, )  
Marathon, Florida) )

To: Chief, Allocations Branch

**MOTION FOR LEAVE TO FILE COMMENTS**

Gulf Communications Partnership ("Gulf"), permittee of Station WAAD(FM), Tice, Florida, by its counsel, hereby respectfully requests leave to submit the attached comments. In support hereof, Gulf states as follows:

1. Gulf seeks acceptance of a proposal which will not, with the exception of the one substitution specified, impact in any way any of the channel substitutions proposed in the instant rulemaking. The proposal--to substitute a different channel at Key Colony Beach, Florida, for the one proposed in the notice of proposed rulemaking in this proceeding--would, on the other hand, facilitate an upgrade for which Gulf has recently petitioned (see Petition for Rulemaking to Amend the FM Table of Allotments, Tice, Florida filed March 31, 1994) that would bring additional FM service to 247,873 persons. While the comments concededly are late-filed, as a result of Gulf's recent discovery of the upgrade opportunity, their acceptance will prejudice no party and create no disruption in the orderly resolution of the instant

proceeding. Accordingly, the comments should be accepted and given full consideration herein.

Therefore, the forgoing considered, Gulf Communications Partnership respectfully requests leave to file the attached comments.

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By:

  
Howard M. Weiss

Kathleen Victory

FLETCHER, HEALD & HILDRETH  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209  
(703) 812-0400

April 26, 1994

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of	)	MM Docket 93-136
	)	RM-8161
Amendment of Section 73.202(b)	)	
Table of Allotments	)	
FM Broadcast Stations	)	
(Key Largo, Key Colony Beach,	)	
Marathon, Florida)	)	

To: Chief, Allocations Branch

COMMENTS

Gulf Communications Partnership ("Gulf"), permittee of Station WAAD(FM), Tice, Florida, hereby submits the following comments in the above-captioned rule making proceeding.

1. On March 31, 1994, Gulf filed with the Commission a Petition for Rule Making seeking to modify the FM Table of Allotments to substitute Channel 229C2 for Channel 229A at Tice, Florida, and to modify WAAD's permit accordingly. In order to effectuate this change, Gulf requested the following additional channel changes:

Channel No.

	<u>Present</u>	<u>Proposed</u>
Naples, FL	228A	284A
Big Pine Key, FL	284C	283C
Key Colony Beach, FL	288C2	237C2

2. The third of these proposed channel modifications--the substitution of Channel 237C2 for Channel 288C2 at Key Colony Beach--impacts on the instant proceeding in that the original

petition for rulemaking and the notice of proposed rulemaking herein seek instead to substitute Channel 280C2 at Key Colony Beach. This substitution would, if adopted, preclude Gulf's proposed upgrade. Accordingly, Gulf has proposed in its Tice petition, and proposes here, that, if the Key Colony Beach channel is modified, the substituted channel be 237C2 rather than 280C2.<sup>1</sup>

3. The attached technical Exhibit, prepared by Gulf's engineering consultant, Jefferson Brock, notes that Gulf would have no objection if the current Key Colony Beach channel were left unchanged. In any event, the Exhibit demonstrates that a switch to Channel 237C2 at the site authorized for the Key Colony Beach permittee would have no adverse impact on any of the proposals--original or counterproposal--considered in this proceeding nor would it affect any existing facility. Thus, there is no public interest justification for refusing to adopt Gulf's proposal, which, as outlined in the attached copy of the Tice petition, would bring additional FM service to 247,873 persons in West Florida, an increase of 49% over the predicted coverage of WAAD(FM)'s authorized Class A facility.

4. Finally, no harm or inconvenience will result to the Key Colony Beach permittee since the station is as yet unbuilt. In fact, one of the bases upon which the permittee relied in seeking

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<sup>1</sup> The substitution of Channel 237C2 would be in compliance with the Commission's minimum spacing requirements with respect to all authorized or requested facilities. (See the attached technical exhibit.)

an extension of his construction permit was the pendency of this proceeding. (See FCC Form 307, filed November 16, 1993 by WKKB, Inc., permittee of WKKB(FM), Key Colony Beach, Florida.) If the FCC adopts Gulf's requested substitution, then the Key Colony Beach permittee could complete construction and commence operation in the near future with the understanding that its channel allotment would be modified, if at all, only once.

5. Therefore, in light of the foregoing, Gulf respectfully requests that its proposal be considered in the instant proceeding and that, in the event that the Key Colony Beach channel at issue is modified, the channel substituted be 237C2.

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By:

  
Howard M. Weiss  
Kathleen Victory

FLETCHER, HEALD & HILDRETH  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209  
(703) 812-0400

April 26, 1994

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

**SUPPLEMENTAL COMMENTS**  
**MM DOCKET #23-136**  
**GULF COMMUNICATIONS PARTNERSHIP**  
**TICE, FLORIDA**  
**March 1994**

**TECHNICAL EXHIBIT**

**Copyright 1994**

**SUPPLEMENTAL COMMENTS**  
**MM DOCKET #93-136**  
**GULF COMMUNICATIONS PARTNERSHIP**  
**TICE, FLORIDA**  
**March 1994**

**TECHNICAL STATEMENT**

This technical statement and attached exhibit were prepared on behalf of Gulf Communications Partnership ("Gulf"), permittee of station WAAD, Channel 229A, Tice, Florida. Gulf is filing supplemental comments in MM Docket #93-136. Gulf, in a separate proceeding, has requested, among other changes to the Table of Allotments, substitution of Channel 237C2 for Channel 288C2 at Key Colony Beach, Florida. In the scope of MM Docket #93-136, one of the proposals is the requested substitution of Channel 280C2 for Channel 288C2 at Key Colony Beach.

The existing Channel 288C2 Key Colony Beach allocation does not conflict with the changes sought by Gulf. The allotment of Channel 280C2 to Key Colony Beach, as requested in MM Docket #93-136, would preclude the upgrade and subsequent substitutions which Gulf is seeking. Therefore, in the proposal, Gulf requests that Channel 237C2, rather than Channel 280C2, be substituted for Channel 288C2. This alternate channel will not impact the parties in MM Docket #93-136 and it will enable the changes



requested by Gulf to be implemented. As shown on the attached Exhibit #1, Channel 237C2 can be substituted for Channel 288C2 at Key Colony Beach, Florida, at the authorized WKKB site without impacting any other facility or any of the requests in this instant docket. Further, the channel meets all of the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.

The foregoing technical statement was prepared on behalf of Gulf Communications Partnership by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. FM data noted in these comments was extracted from the NTIA database, updated on February 23, 1994. We assume no liability for errors or omissions in that database which may be adverse to the proposals set forth herein.

CLEARANCE STUDY FOR KEY COLONY BEACH, FLORIDA  
USING WKKB SITE AS REFERENCE

REFERENCE  
24 42 25 N  
81 06 17 W

CLASS C2  
Current rules spacings  
CHANNEL 237 - 95.3 MHz

DISPLAY DATES  
DATA 02-23-94  
SEARCH 03-31-94

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WKKB.C	237C2	Key Colony Beach	FL	0.0	0.00	190.0	-190.00
CP CN	24 42 25	81 06 17	50.000 kW	84M	0.0	118.1	
	Richard L. Silva			BPH-920803JO			
WOLZ	237C1	Fort Myers	FL	334.5	235.33	224.0	11.33
LI CY	26 37 25	82 06 56	100.000 kW	138M	146.3	139.2	
	Beachside West Broadcasting, Inc.			BLH-890830KC			
WKDJ	239C1	Homestead	FL	34.8	112.39	79.0	33.39
LI CN	25 32 24	80 28 07	100.000 kW	299M	69.8	49.1	
	New Age Broadcasting, Inc.			BLH-870717KB			
WKDJ.A	239C1	Homestead	FL	30.2	136.64	79.0	57.64
AP ZCN	25 46 23	80 25 21	100.000 kW	158M	84.9	49.1	
	New Age Broadcasting, Inc.			BPH-940107IA			

CHANNEL 237C2 SPACING STUDY

EXHIBIT #1  
SUPPLEMENTAL COMMENTS  
MM DOCKET #93-136  
GULF COMM. PARTNERSHIP  
TICE, FLORIDA

March 1994

**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

*State of Georgia )  
St. Simons Island )ss:  
County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Gulf Communications Partnership, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 31st day of March, 1994*

  
\_\_\_\_\_  
**Jefferson G. Brock**  
*Affiant*

*Sworn to and subscribed before me  
this the 31st day of March, 1994*

  
\_\_\_\_\_  
*Notary Public, State of Georgia*  
*My Commission Expires: September 8, 1995*

PLEASE STAMP  
AND RETURN  
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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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MAR 31 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Tice, Florida) )

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Gulf Communications Partnership ("Gulf"), permittee of Station WAAD(FM), Tice, Florida, by its counsel and pursuant to Section 1.401 of the Commission's Rules, hereby requests the Commission to issue a notice of proposed rulemaking to amend Section 73.202(b) (the FM Table of Allocations), to substitute Channel 229C2 for Channel 229A at Tice, Florida, and to allow Gulf to upgrade its authorized facilities from a Class A to a Class C2. As discussed further below, in order to accomplish this change, it will be necessary also to make the following frequency substitutions:

Channel No.

	<u>Present</u>	<u>Proposed</u>
Naples, FL	228A	284A
Big Pine Key, FL	284C	283C
Key Colony Beach, FL	288C2	237C2

1. WAAD(FM) is the only radio broadcast facility authorized to Tice, Florida. Gulf was awarded the construction permit on February 17, 1993, pursuant to a global settlement in MM Docket 90-505. WAAD, as yet, has not been constructed. As indicated at

Paragraph 7 to the engineering statement of Jefferson G. Brock of Graham Brock Communications, attached hereto as Attachment A (the "Engineering Statement"), Gulf's proposal would substantially increase the coverage of its proposed facility. Operating with the requested upgraded facilities, Gulf would provide service to a predicted 505,025 persons, an increase of 247,873 persons (49%) over the predicted coverage of its authorized Class A facility.

2. The substitution of Channel 229C2 for Channel 229A at Tice would require a site restriction of 14.8 kilometers in order to prevent any short-spacing to stations WGYL(FM), Channel 229C2, Vero Beach, and WLVE(FM), Channel 230C, Miami Beach, Florida. As confirmed by the distance separation study for Channel 229C2<sup>1</sup>, other than this site restriction, the allocation of Channel 229C2 at Tice can be made in compliance with the Commission's minimum separation requirements as to all other licensed, authorized or requested facilities except WNOG(FM), Channel 228A, Naples, Florida.<sup>2</sup> Channel 284A, however, can be substituted for Channel 228A at Naples in compliance with the Commission's minimum separation requirements<sup>3</sup>, except with respect to Channel 284C at Big Pine Key.<sup>4</sup> Operating on Channel 284A from its existing site, WNOG would continue to provide city grade coverage to Naples. Moreover, operating on Channel 284A, WNOG could seek to increase

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<sup>1</sup> See Exhibit 2 to the Engineering Statement.

<sup>2</sup> WNOG(FM), Naples, is licensed to Palmer Broadcast Group.

<sup>3</sup> See Exhibit 4 to the Engineering Statement.

<sup>4</sup> See further discussion below.

its effective radiated power from 3.0 kilowatts to 6.0 kilowatts. This power increase would enable WNOG to provide service to 148,223 persons within its 1 mV/m contour, an increase of 15,171 persons over the coverage provided by its currently authorized facilities.

3. Substituting Channel 284A at Naples would require modification of the existing Channel 284C allocation at Big Pine Key.<sup>5</sup> Exhibit 6 of the Engineering Statement shows that Channel 283C can be substituted for Channel 284C at Big Pine Key in compliance with the Commission's minimum separation requirements, except as to the proposed Channel 280C2 allotment to Key Colony Beach.<sup>6</sup> The Big Pine Key station, operating on Channel 283C from

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<sup>5</sup> The FM Table of Allotments currently allots Channel 284C to Big Pine Key. In its *Memorandum Opinion and Order*, 55 RR2d 903 (1984), modifying its *Report and Order* in MM Docket 80-90, 55 RR2d 1150 (1983), the Commission automatically downgraded Class C stations unable to meet the Commission's revised minimum requirements for Class C facilities to C1s. Hence, while the Table of Allotments has not been amended, Station WWUS(FM), licensed to Crain Broadcasting, Inc. ("Crain"), currently is licensed to operate on Channel 284C1 at Big Pine Key. Crain Broadcasting filed an application to retain its full Class C status (BPH-870302MQ). The Commission returned Crain's application. Crain filed an application for review of the Commission's action returning the application. In its *Memorandum Opinion and Order*, FCC 93-311, released July 2, 1993, the Commission denied Crain's appeal. Crain filed a Petition for Reconsideration of the order denying the Application for Review on August 2, 1993. Crain's Petition is still pending. To accommodate the possibility that the petition might be granted, Gulf's proposal would permit the substitution of a full Class C at Big Pine Key if the Commission grants Crain's petition for reconsideration. Clearly, in the event that Crain's Petition is denied, Channel 283C1 can be substituted for the current Channel 284C at Big Pine Key without disrupting Gulf's proposal or causing any separation problems not otherwise discussed herein.

6

The FM Table of Allotments currently allocates Channel 288C2 to Key Colony Beach. A construction permit for a new FM station, WKKB, to operate on Channel 288C2 at Key Colony Beach is issued

its licensed site, would continue to provide a city grade signal to its community of license.<sup>7</sup>

4. There are three available C2 frequencies, 237, 267 and 269, which can be substituted at Key Colony Beach to accommodate the changes requested by Gulf. Construction and operation of WKKB from its existing transmitter site on any of these three channels would provide city grade coverage to its community of license and meet the Commission's minimum spacing requirements as to all other licensed, authorized or requested facilities. Of these channels, Channel 237C2 appears to be the most advantageous for the operation of the authorized but unconstructed WKKB facility. Therefore, Gulf requests the substitution of Channel 237C2 in lieu of Channel 288C2 at Key Colony Beach.<sup>8</sup>

5. Gulf's proposal comports with the Commission's "Columbus

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and outstanding to permittee Richard L. Silva. WKKB has not been constructed. A pending rule making, however considers, *inter alia*, a request for the substitution of Channel 280C2 for Channel 288C2 at Key Colony Beach. See *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key Colony Beach, Key Largo and Marathon, Florida)*, DA 93-532, MM Docket 93-136, RM-8161, released June 3, 1993 (the "Key Largo Rule Making"). But for the Key Largo Rule Making, Gulf's proposal would not need to modify the Key Colony Beach allotment.

<sup>7</sup> Gulf acknowledges that the deadline for filing counter-proposals in the Key Largo Rule Making is past. Adoption of Gulf's requested substitution of Channel 237C2 at Key Colony Beach, however, would not interfere with adoption of any of the proposals made in the Key Largo Rule Making. Thus, waiver of the deadline here would cause no harm to the parties or disruption of the process. The considerations of administrative orderliness which underlie the counter-proposal deadline do not apply here as the Commission, *sua sponte* modify channel allotments.

<sup>8</sup> But see discussion at Paragraph 5 below.

Doctrine"<sup>9</sup> regarding changes to existing stations. While Gulf seeks three non-consensual channel allocation modifications, one of the three affected facilities, WKKB, Key Colony Beach, is an authorized but unbuilt station. Even if WKKB opts to construct prior to resolution of the Key Largo Rule Making, it must be noted that Gulf's proposal herein does not conflict with the existing Key Colony Beach allocation (Channel 288C2). The Key Colony Beach permittee ultimately either will be required to change channel as a result of a grant of the Key Largo Rulemaking or it will not be required to change its channel at all. The former would occur regardless of whether Gulf's proposal is adopted. The latter obviously does not trigger *Columbus* concerns.

6. Requiring WKKB to modify its channel prospectively would cause the permittee no hardship since the station has not been constructed and is not operating.<sup>10</sup> Even if the station should be constructed prior to the final grant of Gulf's proposal, the station could be built at its authorized transmitter site and only the modification of the station's frequency thereafter would be

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<sup>9</sup> See, *Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Columbus, Central City, Kearney, Lexington, McCook and Valentine, Nebraska; and Hill City, Kansas, 59 RR2d 1184 (1986)*, wherein the Commission indicated that it would reject petitions for rule making seeking frequency changes to more than two channel substitutions for which consent has not been obtained.

<sup>10</sup> An application for extension of the WKKB construction permit, filed November 15, 1993, is pending. In light of the pending Key Largo Rule Making, the permittee may be awaiting the outcome of that proceeding before constructing and commencing operation on a frequency that may change.



required.<sup>11</sup> Moreover, the public interest benefit arising from adoption of the Gulf upgrade proposal clearly outweighs any inconvenience which might be caused to the permittee in eventually constructing and operating his facility on a different frequency. In addition, a grant of the Key Colony Beach frequency modification requested in Gulf's proposal would eliminate Key Colony Beach as one of the necessary modifications under the Key Largo Rule Making and could eliminate the need for further delay in the construction and initiation of service to the public by the Key Colony Beach permittee pending the resolution of the Key Largo Rule Making.

7. In accordance with the Commission's policy, Gulf hereby pledges that, if the Commission grants the requested modification of the FM Table of Allotments, it will reimburse the licensees at Naples and Big Pine Key for their expenses involved in changing channels.<sup>12</sup> Further, Gulf affirms that, if the Commission grants the requested modification of the FM Table of Allotments, Gulf will promptly file the required minor modification application to move its authorized site to a new location and to upgrade its station to

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<sup>11</sup> See paragraph 4 above.

<sup>12</sup> The current Key Colony Beach allocation does not conflict with the Gulf proposal. Only if the proposal in the Key Largo Rule Making is granted triggering the channel change for Key Colony Beach would the modified Key Colony Beach allocation interfere with Gulf's proposal. Thus, Gulf believes that the repayment of any expenses the Key Colony Beach permittee might incur as a result of a channel change are the responsibility of the Key Largo petitioner. At most, Gulf should be required to pay one half of any expenses incurred by the Key Colony Beach permittee since the permittee will be required to change channels (albeit to a channel other than that sought in the Key Largo Rule Making petition), if at all, only as a result of the Key Largo Rule Making.

a C2, and upon grant of such application, will promptly construct the newly approved facility. Finally, since none of the requested modifications to the FM Table of Allotments gives rise to the need for any comparative consideration of applicants for a new channel, Gulf's petition for rulemaking is not affected by the Commission's freeze on comparative hearing proceedings. See, Public Notice, FCC-94-41, released February 25, 1994.

8. Therefore, in light of the foregoing, Gulf Communications Partnership respectfully requests the Commission to issue a notice of proposed rule making to amend its FM Table of Allotments as follows:

	<u>Present</u>	<u>Proposed</u>
Tice, FL	229A	229C2
Naples, FL	228A	284A
Big Pine Key, FL	284C	283C
Key Colony Beach, FL	288C2	237C2

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By Kathleen Victory  
Howard M. Weiss  
Kathleen Victory  
Its attorneys

FLETCHER HEALD & HILDRETH  
1300 N. 17th Street  
11th Floor  
Rosslyn, VA 22209  
(703) 812-0400

March 31, 1994

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING**  
**GULF COMMUNICATIONS PARTNERSHIP**  
**SUBSTITUTE CH 229C2 FOR CH 229A**  
**ORDER WAAD TO CHANGE CLASS**  
**TICE, FLORIDA**  
**March 1994**

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**PETITION FOR BILL MAKING**  
**GULF COMMUNICATIONS PARTNERSHIP**  
**SUBSTITUTE CH 229C2 FOR CH 229A**  
**ORDER WAAD TO CHANGE CLASS**  
**TICE, FLORIDA**  
**March 1994**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits were prepared on behalf of Gulf Communications Partnership ("Gulf"), permittee of Station WAAD, Channel 229A, Tice, Florida. Gulf requests the Commission amend §73.202(b) of its rules to substitute Channel 229C2 for Channel 229A at Tice, Florida. Further, Gulf requests the Commission to modify the WAAD construction permit to change its authorized class. In order to accommodate its request, Gulf requests the following additional changes; the substitution of Channel 284A for Channel 228A at Naples, Florida; the substitution of Channel 283C for Channel 284C at Big Pine Key, Florida; and the substitution of Channel 237C2 for Channel 288C2 at Key Colony Beach, Florida. The specific details of these additional changes are denoted below.

**PROPOSAL**

2. Gulf requests the Commission substitute Channel 229C2 for Channel 229A at Tice, Florida, at reference coordinates North Latitude 26° 36' 21" and West Longitude 81° 57' 10". An

allotment at the reference coordinates would require a site restriction of 14.8 kilometers west-southwest of Tice to avoid shortspacing WGYL, Channel 229C2, Vero Beach, Florida, and WLVE, Channel 230C, Miami Beach, Florida. From the reference location a 3.16 mV/m contour will be delivered to Tice, Florida. Exhibit #1 is a usable area map for Channel 229C2 at Tice, Florida. Exhibit #2 is a \$73.207 spacing study which demonstrates Channel 229C2 meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities (with the exception of Channel 228A at Naples, Florida, which is addressed below).

3. Channel 284A can be substituted for Channel 228A at Naples, Florida, at geographic coordinates North Latitude 26° 07' 21" and West Longitude 81° 43' 22". This is the present licensed site for WNOG(FM), Channel 228A, Naples, Florida. Naples will continue to receive 70 dBu, 3.16 mV/m, service from WNOG operating on Channel 284A. Exhibit #3 is a usable area map for Channel 284A at Naples, Florida. Exhibit #4 is a \$73.207 spacing study which demonstrates Channel 284A meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities. In conducting the channel study for this statement, we have considered station WWUS(FM), Channel 284C, Big Pine Key, Florida, as a full Class C and

request a full Class C substitution accordingly.<sup>1</sup> (See further discussion of WWUS at Footnote #2 below). However, in the event that the WWUS licensee's pending petition for reconsideration is denied, substitution of Channel 283C1 for Channel 284C1 would similarly accommodate the change requested herein by Gulf and meets §73.207 spacing requirements at the present WWUS transmitter site.

4. Channel 283C can be substituted for Channel 284C at Big Pine Key, Florida, at the present licensed site of WWUS, Channel 284C1, Big Pine Key, at coordinates North Latitude 24° 39' 38" and West Longitude 81° 25' 10".<sup>2</sup> From this location, Crane Broadcasting would continue to provide a 3.16 mV/m contour to Big Pine Key. Exhibit #5 is a usable area map for Channel 283C at Big Pine Key, Florida. Exhibit #6 is a spacing study which demonstrates that Channel 283C meets the Commission's minimum

- 1) Even if WWUS remained on Channel 284 as a C1 facility, it is still necessary to relocate the facility to Channel 283 to accommodate the Naples substitution.
- 2) WWUS, licensed to Crane Broadcasting, is presently licensed to operate on Channel 284C1 at Big Pine Key, Florida. However, there remains a pending application to upgrade WWUS to Channel 284C at Big Pine Key (BPH-870302MP). While the application was dismissed by the Commission and the licensee's application for review was denied, the licensee's petition for reconsideration remains pending and §73.202(b) of the Commission's rules still shows Channel 284C as the allocation for Big Pine Key. Therefore, Channel 283C is an equivalent substitute channel. Should WWUS's pending reconsideration be denied, Channel 283C1 can be utilized at the present WWUS site. It should be further noted that a counterproposal was filed in Rm 8081, MM Docket 93-136, (Key Largo) requesting (among other changes) substitution of Channel 283C for Channel 284C at Big Pine Key. That counterproposal was subsequently withdrawn by the party who filed the proposal.

distance separation requirements to all other licensed, applied for or proposed facilities (with the exception of the proposed allotment of Channel 280C2 at Key Colony Beach, Florida, as discussed below).

5. Channel 237C2 can be substituted for Channel 288C2 at Key Colony Beach, Florida, at reference coordinates North Latitude 24° 42' 25" and West Longitude 81° 06' 17".<sup>3</sup> This is the present construction permit site for WKKB, Channel 288C2, Key Colony Beach, Florida. A 3.16 mV/m contour will be provided to all of Key Colony Beach from the proposed location. Exhibit #7 is a usable area map for Channel 237C2 at Key Colony Beach, Florida. Exhibit #8 is a \$73.207 spacing study which demonstrates Channel 237C2 meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities.

6. Therefore, Gulf requests the following changes to the FM Table of Allotments:

**Tice, Florida**

Present

Proposed

229A

229C2

- 3) WKKB, Channel 288C2, Key Colony Beach, authorized to Richard L. Silva, is currently unbuilt. A proposal is pending in the Key Largo rule making, Rm 8081, MM Docket 93-136, to change the Key Colony Beach allotment from Channel 288C2 to Channel 280C2. The potential allocation of Channel 280C2 conflicts with the proposed substitution of Channel 283C at Big Pine Key, Florida. Channel 237C2, without interfering with the changes sought in that proceeding, can be substituted for the proposed Channel 280C2 in the Key Largo proceeding, thereby eliminating the need for a subsequently change from Channel 280C2 to Channel 237C2 for WKKB.

**Naples, Florida**

Present	Proposed
228A, 233C 276C3	233C, 276C3 284A

**Big Pine Key, Florida**

Present	Proposed
284C	283C

**Key Colony Beach, Florida**

Present	Proposed
288C2	237C2

**PUBLIC INTEREST ASPECTS**

7. The allocation of Channel 229C2 will enable WAAD to provide 1.0 mV/m service to 506,025 persons in 5,563.9 square kilometers (land area only). This is an increase of 247,873 persons over the facilities specified in its presently authorized Class A construction permit. Additionally, the substitution of Channel 284A for Channel 228A at Naples, Florida, will enable WNOG to increase its effective radiated power from 3.0 to 6.0 kilowatts. WNOG-FM then has the potential to increase population served from 133,052 persons to 148,223 persons within its 1.0 mV/m contour, a net gain of 15,171 persons. <sup>4</sup>

4) All population data was extracted from the 1990 Census, PL94-171 files.



8. The foregoing technical statement and attached exhibits were prepared for Gulf Communications Partnership by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this technical statement and exhibits, we would welcome the opportunity to discuss the matter by phone at 912-638-8028. All data relating to authorized, applied for or proposed facilities (FM stations) was extracted from the NTIA database, as updated January 26, 1994. We assume no liability for omissions or errors in that database.